

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Joseph George Stepard, and Malania
Krystine Stepard,

Defendants.

No. 93-CIV-919-PHX-EHC

ORDER

This action began in 1993 when the United States foreclosed on the Defendants' property, reduced the federal tax assessments to judgment and sought to enforce liens for the non-payment of federal income tax for years 1981-1985. This Court found that the trusts and alleged transfers of ownership of property into the trust that were the subject of the action were invalid because the trusts were alter egos for the Defendants and allowed the tax liens to be enforced. This Court's decree of foreclosure allowing the enforcement of the liens was affirmed by the Ninth Circuit. [Dkt. 168].

On November 3, 2000 Defendants filed an "affidavit in truth" alleging misconduct, perjury and fraud against Assistant U.S. Attorney Brian Feldman. (Dkt. 169). The basis of the Defendants statements in this filing is that Feldman "knew or should have known that the action against them was void from the inception." [Dkt. 169]. The Court construed this filing as a Motion for Sanctions and denied the Motion because the Ninth Circuit affirmed this

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1 Court's Judgment and because the documentation attached to the filing did not offer support
2 for the Defendant's allegation that Feldman committed any misconduct. [Dkt. 172].

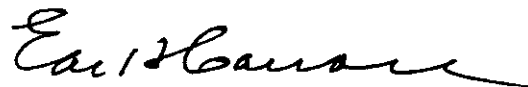
3 On December 20, 2000 Defendants filed an "Affidavit." [Dkt. 173]. In this "Affidavit
4 the Defendants alleged that, in construing the affidavit as a Motion, the Court denied them
5 due process and assisted the United States attorney in perpetuating "the fraud." Defendants
6 further allege that the prosecution is required to respond to their affidavit by counter-
7 affidavit. [Dkt. 173]. Because Plaintiff did not respond to their affidavit, Defendants filed a
8 "Notice for Demand for Nihil Dict Judgment" pursuant to Fed.R.Civ.P. 55(a). [Dkt. 174].

9 This Court entered Judgment against Defendants on June 29, 1998. [Dkt. 145]. On
10 February 15, 2000 the Ninth Circuit affirmed this Court's Judgment. [Dkt. 168].
11 Accordingly, Defendants' Demand for Default Judgment is legally frivolous and will be
12 denied.

13 Accordingly,

14 **IT IS ORDERED** denying Defendants "Notice and Demand for Nihil Dict Judgment"
15 [Dkt. 174].

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17 DATED this 16th day of January, 2001.

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Earl H. Carroll
21 United States District Judge
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